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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,298	12/16/2003	John L. Kemper	037607-0251	7677
34099	7590	08/16/2004	EXAMINER	
FANN-MKE C/O FOLEY & LARDNER 777 EAST WISCONSIN AVENUE MILWAUKEE, WI 53202-5367			HAMILTON, LALITA M	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/737,298	Applicant(s) KEMPER ET AL.	
	Examiner Lalita M Hamilton	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Nelson (US 2004/0030649).

Nelson discloses a method and corresponding system of application processing whereby loan data is verified comprising receiving a second set of loan data for the loan from the seller, the second set of loan data associated with a delivery process, retrieving the first set of loan data, and comparing the first set of loan data and the second set of loan data to determine any differences (p.7, 63-64 and fig.6-all); determining at least one difference between the first set of loan data and the second set of loan data and editing the second set of loan data (p.7, 63-64 and fig.6-all); determining at least one difference between the first set of loan data and the second set of loan data and notifying the seller of the at least one difference (p.7, 63-64 and fig.6-all); determining at least one difference between the first set of loan data and the second set of loan data and processing the second set of loan data using the underwriting process (p.7, 63-64 and fig.6-all); determining at least one difference

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between the first set of loan data and the second set of loan data and determining a yield adjustment for the loan based on the at least one difference (p.14, 128 to p.15, 133); determining at least one difference between the first set of loan data and the second set of loan data and determining a fee to be charged to the seller based on the at least one difference (p.14, 128 to p.15, 133); means for receiving a second set of loan data for the loan from the seller, the second set of loan data associated with a delivery process, means for retrieving the first set of loan data, and means for comparing the first set of loan data and the second set of loan data to determine any differences (p.7, 63-64 and fig.6-all); means for editing the second set of loan data upon determining at least one difference between the first set of loan data and the second set of loan data (p.7, 63-64 and fig.6-all); means for notifying the seller of the at least one difference upon determining at least one difference between the first set of loan data and the second set of loan data (p.8, 72-75); means for processing the second set of loan data using the underwriting process upon determining at least one difference between the first set of loan data and the second set of loan data (p.14, 128 to p.15, 133); means for determining a yield adjustment for the loan based s on at least one difference determined by the comparison of the first set of loan data and the second set of loan data (p.14, 128 to p.15, 133); means for determining a fee to be charged to the seller based on at least one difference determined by the comparison of the first set of loan data and the second set of loan data (p.14, 128 to p.15, 133); receiving a set of delivery data from a seller, comparing the set of underwriting data to 'the set of delivery data to identify any differences, determining a price for the loan based on at least one of

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the delivery data and the underwriting data, and upon identifying at least one difference between the set of underwriting data and the set of delivery data, determining a price change based upon the at least one difference (p.7, 63-64; p.14, 128 to p.15, 133; and fig.6-all); comparing a predetermined set of information in the set of underwriting data and the set of delivery data (p.7, 63-64 and fig.6-all); generating an updated set of underwriting data based on the at least one difference and determining a price based on the updated set of underwriting data (p.7, 63-64; p.14, 128 to p.15, 133; and fig.6-all); means for receiving a set of delivery data from a seller, means for comparing the set of underwriting data to the set of delivery data to identify any differences, means for determining a price for the loan based on at least one of the delivery data and the underwriting data, and means for determining a price change based upon at least one difference identified between the set of underwriting data and the set of delivery data (p.7, 63-64 and fig.6-all); comparing the set of underwriting data and the set of delivery data includes comparing a predetermined set of information in the set of underwriting data and the set of delivery data (p.7, 63-64 and fig.6-all); means for generating an updated set of underwriting data based on the at least one difference and means for determining a price based on the updated set of underwriting data (p.7, 63-64 and fig.6-all); receiving a set of delivery data from the seller using delivery logic, accessing the set of underwriting data using the identifier, and comparing the set of underwriting data to the set of delivery data to determine any differences (p.7, 63-64 and fig.6-all); determining at least one difference between the set of underwriting data and the set of delivery data and editing the set of delivery data (p.7, 63-64 and fig.6-all); determining at

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least one difference between the set of underwriting data and the set of delivery data; and notifying the seller of the at least one difference (p.8, 72-75); determining at least one difference between the set of underwriting data and the set of delivery data providing the delivery data to the underwriting logic, and generating a second set of underwriting data based on the set of delivery data (p.7, 63-64 and fig.6-all); determining at least one difference between the set of underwriting data and the set of delivery data and determining a yield adjustment for the loan based on the at least one difference (p.14, 128 to p.15, 133); determining at least one difference between the set of underwriting data and the set of delivery data and determining a fee to be charged to the seller based on the at least one difference (p.14, 128 to p.15, 133); accessing the set of underwriting data includes sending a request from the delivery logic to the underwriting logic to retrieve the set of underwriting data (p.7, 63-64 and fig.6-all); delivery logic, coupled to the underwriting logic, for receiving a set of delivery data from a seller and processing the set of delivery data, the delivery logic further including comparison logic for comparing the set of underwriting data to the set of delivery data to determine any differences (p.7, 63-64 and fig.6-all); comparison logic sends a request including the identifier to the underwriting logic to retrieve the set underwriting data associated with the identifier (p.7, 63-64 and fig.6-all); pricing logic coupled to the delivery logic for determining a price for the loan based on at least the delivery data (p.14, 128 to p.15, 133); pricing logic, coupled to the comparison logic, for determining a yield adjustment based on at least one difference determined by the comparison logic (p.14, 128 to p.15, 133); the set of delivery data is sent to the underwriting logic to

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generate a second set of underwriting data based on the set of delivery data (p.7, 63-64 and fig.6-all); pricing logic, coupled to the comparison logic, for determining a fee to be charged to the seller based on at least one difference determined by the comparison logic (p.14, 128 to p.15, 133); notification logic, coupled to the delivery logic, for notifying the seller of at least one difference determined by the comparison logic (p.8, 72-75); the delivery logic further includes editing logic for editing the set of delivery data (p.7, 63-64 and fig.6-all); receiving a second set of loan data for the loan from the loan originator, the second set of loan data associated with a loan origination process, retrieving the first set of loan data and comparing the first set of loan data and the second set of loan data to determine any differences (p.7, 63-64 and fig.6-all); determining at least one difference between the first set of loan data and the second set of loan data and notifying the loan originator of the at least one difference (p.8, 72-75); receiving a second set of loan data for the loan, retrieving the first set of loan data, comparing the first set of loan data and the second set of loan data to determine any differences, and reporting any differences (p.7, 63-64 and fig.6-all); receiving a second set of loan data for the loan from the seller, the second set of loan data associated with a delivery process, retrieving the first set of loan data, comparing the first set of loan data and the second set of loan data to determine any differences, and determining a yield adjustment for the loan based on at least one difference, wherein the seller determines not to deliver the loan to the purchaser based on the yield adjustment (p.7, 63-64; p.14, 128 to p.15, 133; and fig.6-all); and having a set of underwriting data provided by underwriting logic, the set of underwriting data having an identifier, the

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system comprising a data source configured to receive a set of loan data for the loan and comparison logic coupled to the data source and the underwriting logic, the comparison logic configured to compare the set of underwriting data to the set of loan data to determine any differences (p.7, 63-64 and fig.6-all).

Provisional Application Listed on PTO-892 form

If a copy of a provisional application listed on the bottom portion of the accompanying Notice of References Cited (PTO-892) form is not included with this Office action and the PTO-892 has been annotated to indicate that the copy was not readily available, it is because the copy could not be readily obtained when the Office action was mailed. Should applicant desire a copy of such a provisional application, applicant should promptly request the copy from the Office of Public Records (OPR) in accordance with 37 CFR 1.14(a)(1)(iv), paying the required fee under 37 CFR 1.19(b)(1). If a copy is ordered from OPR, the shortened statutory period for reply to this Office action will not be reset under MPEP § 710.06 unless applicant can demonstrate a substantial delay by the Office in fulfilling the order for the copy of the provisional application. Where the applicant has been notified on the PTO-892 that a copy of the provisional application is not readily available, the provision of MPEP § 707.05(a) that a copy of the cited reference will be automatically furnished without charge does not apply.

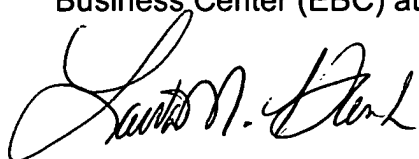
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M Hamilton whose telephone number is (703) 306-5715. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Lalita M. Hamilton", is written over the printed name "LMH".

LMH